

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION

FILED  
2004 AUG -2 P 3:15

ERIC FARETRA,

Plaintiff,

vs.

Case No. 1:04-cv-11133-MLW

JOHN KEITH, et al.,

Defendants.

U.S. DISTRICT COURT  
DISTRICT OF MASS

**ARMEL, INC.'S RESPONSE TO PLAINTIFF'S MOTION FOR AN ORDER OF  
NOTICE AS TO THE DEFENDANT, JOHN KEITH, AND REQUEST FOR MORE  
DEFINITE STATEMENT OF PLAINTIFF'S MOTION**

On July 12, 2004, plaintiff filed a Motion for an Order of Notice as to the Defendant, John Keith. In his motion, plaintiff states that he is requesting "that this Honorable Court issue an Order of Notice pursuant to the provisions of Mass. R. Civ. P. 4(d)(2) and G.L. c. 227, § 7." Plaintiff's motion does not, however, provide any additional information with respect to the desired form or content of the requested order or the grounds for issuing such an order.

Without additional information, defendant Armel, Inc. is unable to determine whether to further respond to plaintiff's motion. Under Rule 7 of the Federal Rules of Civil Procedure, motions filed in federal court are required to set forth the requested order or relief, and the grounds therefor, with particularity. *See* Fed. R. Civ. P. 7(b)(1). Armel hereby requests that the Court order plaintiff to provide a more particular statement of the order or relief requested in his pending motion, so that Armel may determine the appropriateness of the request.

Date: July 29, 2004

Respectfully submitted,

MORGAN BROWN & JOY, LLP

By: /s/ Robert P. Joy  
Robert P. Joy BBO #254820

One Boston Place  
Boston, Massachusetts 02108-4472  
Telephone: (617) 523-6666  
Facsimile: (617) 367-3125

SHOOK, HARDY & BACON L.L.P.

By: /s/ Eric W. Smith  
William C. Martucci(to be admitted pro hac vice)  
Eric W. Smith (to be admitted pro hac vice)  
Kevin M. Smith(to be admitted pro hac vice)

2555 Grand Blvd.  
Kansas City, Missouri 64108  
Telephone: (816) 474-6550  
Facsimile: (816) 421-5547

ATTORNEYS FOR ARMEL, INC.

**Certificate of Service**

The undersigned hereby certifies that a true and correct copy of the foregoing is being filed with the Court via the Court's electronic case filing system (ECF) and shall be served upon all counsel of record via the ECF system's e-mailing functions this 29th day of July, 2004.

/s/ Robert P. Joy  
Counsel for Armel, Inc.